THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10969 OF 1999

DATED:26-09-2007

BETWEEN:

Film Nagar Cooperative Housing Society Ltd.,
Jubilee Hills,
Rep., by its Secretary,
K.Suryanarayana,
R/o Film Nagar,
Hyderabad.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Revenue,
Secretariat,
Hyderabad & 6 others.

.....RESPONDENTS

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ORDER:

None appears for the petitioner. Heard learned Government Pleader for Assignment appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 4 in resorting to issuance of G.O.Ms.No.94, dated 17-02-1994 as unconstitutional, and violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently declare that the respondents have no right or authority to allot the open space parks in the layout plan No.34/layout/8/82 sanctioned by the Municipal Corporation of Hyderabad.

3. It is the case of the petitioner Society that an extent of Ac.45.00 of land in Sy.No.102/1 situated at Hakeempet village, Shaikpet mandal, Hyderabad District was allotted in its favour through G.O.Ms.No.1457, Rev(Q) Department, dated 07-04-1980, subject to certain conditions. Thereafter the Government issued a memo amending the said G.O., as follows:

> "For the words and figures 'S.No.403 of Shaikpet village of Banjara Hills near Microwave Tower' occurring in para-2 of the G.O.Ms.No.1457, Rev.dated 07-04-1980 substitute 'S.No.102/1 of Hakeempet village".

The said land was also exempted from the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 vide G.O.Ms.No.212

Revenue (UC.II) Department, dated
16-03-1988. Thereafter the Government by G.O.Ms.No.94 Municipal Administration & Urban Development (M1) Department, dated 17-02-1994, allotted house site of an extent of 884 sq.yards of triangular layout open space surrounded by 40'-0" wide roads on two sides in the Film Nagar Co-operative Housing Society, Phase-II Lay out situated behind Apollo hospital, Hyderabad-II to Sri Mohammed Azharuddin, the then Captain, Indian Cricket Team, free of cost, and an extent of 415 sq.yds in plot No.4 of Film Nagar Co-operative Housing Layout, Phase-II to one
Sri Mukhesh Kumar and Sri Venkatapathi Raju respectively in recognition of their contributions to the World of sport, but however, the said beneficiaries have not been made parties to the Writ Petition.

4. It is stated that though the Government allotted Ac.45.00 of land but the possession of Ac.3.30 guntas has not been given. For the said contention it is stated that total extent of Ac.95.00 was allotted in favour of the petitioner Society but it encroached an extent of Ac.3.00 and therefore it is found in possession of total extent of Ac.98.00 as against its entitlement of Ac.95.00. Therefore, the excess land belongs to the Government, and the Government allotted the small bits in favour of the said beneficiaries.

5. I am not inclined to express any opinion whether the said allotment made in favour of the beneficiaries is subsisting and in the absence of impleading the said beneficiaries, in whose favour the small bits have allotted, as parties to the Writ Petition, it may not be just and proper for the petitioner Society to seek any relief, but however, none appears for the petitioner.

6. Accordingly, Writ Petition is dismissed for non prosecution. There shall be no order as to costs.

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V.ESWARAIAH,J

26th September, 2007.
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